
SENATE BILL No. 183

DIGEST OF INTRODUCED BILL

Citations Affected: IC 16-18-2; IC 16-42-19-23.

Synopsis: Use of mechanical device to dispense legend drugs. Allows a pharmacy that provides medications to certain facilities to maintain, operate, and use a mechanical device for the storage and dispensing of emergency drugs.

Effective: July 1, 2001.

Jackman

January 9, 2001, read first time and referred to Committee on Health and Provider Services.

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First Regular Session 112th General Assembly (2001)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2000 General Assembly.

SENATE BILL No. 183

A BILL FOR AN ACT to amend the Indiana Code concerning health.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 16-18-2-96.5 IS ADDED TO THE INDIANA
2 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
3 [EFFECTIVE JULY 1, 2001]: **Sec. 96.5. "Dispensing pharmacist",**
4 **for purposes of IC 16-42-19-23, has the meaning set forth in**
5 **IC 16-42-19-23(a).**

6 SECTION 2. IC 16-18-2-107.5 IS ADDED TO THE INDIANA
7 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
8 [EFFECTIVE JULY 1, 2001]: **Sec. 107.5. "Emergency drugs", for**
9 **purposes of IC 16-42-19-23, has the meaning set forth in**
10 **IC 16-42-19-23(b).**

11 SECTION 3. IC 16-18-2-223 IS AMENDED TO READ AS
12 FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 223. "Mechanical
13 device", for purposes of IC 16-42-19-23, has the meaning set forth in
14 ~~IC 16-42-19-23(a)~~ **IC 16-42-19-23(c).**

15 SECTION 4. IC 16-42-19-23 IS AMENDED TO READ AS
16 FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 23. (a) **As used in this**
17 **section, "dispensing pharmacist" means an individual who:**



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1 (1) holds a valid pharmacist's license in Indiana; and

2 (2) supplies drugs and pharmaceuticals to a facility from a
3 licensed pharmacy facility in Indiana.

4 (b) As used in this section, "emergency drugs" means drugs, the
5 prompt use and immediate availability of which are generally
6 regarded by physicians as essential in the proper treatment of
7 sudden and unforeseen adverse changes in a patient's condition that
8 threaten the patient's life or well being.

9 (c) As used in this section, "mechanical device" means a machine
10 for storage and dispensing of drugs. The term does not include devices
11 or instruments used by practitioners in the diagnosis, cure, mitigation,
12 treatment, or prevention of disease in human beings or other animals.

13 ~~(b)~~ (d) A person may not maintain, operate, or use any type of
14 mechanical device in which any legend drug or narcotic drug is stored
15 or held for the purpose of dispensing the drug from the mechanical
16 device. However, the mechanical device may be used for the storage
17 and dispensing of legend drugs if:

18 (1) the mechanical device is located on the premises of;

19 (A) a business or establishment holding a valid pharmacy
20 permit issued by the Indiana board of pharmacy; or

21 (B) a:

22 (i) health facility licensed under IC 16-28;

23 (ii) clinic;

24 (iii) rest home, home for the aged, or extended care
25 facility;

26 (iv) governmental agency; or

27 (v) facility that does not hold a pharmacy permit or store
28 drugs;

29 if the mechanical device is placed in the facility by a
30 dispensing pharmacist for the sole purpose of serving as an
31 emergency kit for the storage and dispensing of emergency
32 drugs; and

33 (2) the mechanical device is operated under the direct supervision
34 and control of a registered pharmacist.

35 ~~(c)~~ (e) Inspectors of the Indiana board of pharmacy may inspect the
36 premises of any person suspected of violating this section.

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